

To: Brown, Samuel L.
Cc: Dravis, Samantha
Subject: RE: Environmental Law Institute | Speaker Invitation

Sam:

Would you mind giving us some more information on how you'd like the panel to work and what you might want us to cover?

Best,

Patrick

Patrick Traylor

Deputy Assistant Administrator

Office of Enforcement and Compliance Assurance

U.S. Environmental Protection Agency

(202) 564-5238 (office)

(202) 809-8796 (cell)

From: Brown, Samuel L. [<mailto:SLBrown@hunton.com>]

Sent: Monday, August 14, 2017 12:18 PM

To: Traylor, Patrick <traylor.patrick@epa.gov>

Subject: Environmental Law Institute | Speaker Invitation

Hi Patrick,

I am reaching out because I am helping to plan the Environmental Law Institute's (ELI)

conference on the Clean Water Act (CWA) on December 4-5 in Washington D.C. ELI sponsors this event every year and I've been involved for some time. It is for private and public sector professionals experienced in the CWA (not an introductory-level conference).

I am putting together a panel on *EPA Regulatory Reform and Enforcement Trends: What Does the Future Hold?* I was hoping you could join this panel on Monday, December 4. I will be the moderator. The other folks invited to the panel are:

- Samantha Dravis, AA, EPA Office of Policy.
- Mark Ryan, Ryan and Kuchler (former EPA attorney for 25+ years).

It would be great if you could join the panel to discuss enforcement. Please let me know if you have any questions or would like more information on the event.

Thanks! – Sam



Samuel Brown

Senior Attorney

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Cc: Amy Weinberg[aweinberg@ali-cle.org]; Pamela McCutcheon[pmccutcheon@ali-cle.org];
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mmcgrath@elpolaw.com[mmcgrath@elpolaw.com]
From: Pamela McCutcheon
Sent: Thur 9/28/2017 3:19:12 PM
Subject: ALI CLE (Clean Water Act)
[CZ010 fac ltr.pdf](#)

Good morning, all! Attached is your faculty packet for the ALI CLE program **Clean Water Act: Law and Regulation, December 4-5, 2017**, in Washington, DC. Please let me know if you have any questions regarding your packet.

Also, we are collecting contact info of the assistants of all members of faculty. If your assistant was not included on this email, I would greatly appreciate it, if you could please send me the (1) name, (2) phone number, and (3) email address of your assistant.

Thanks again for agreeing to participate on the faculty of this very fine course. We recognize and appreciate all that you do for us.

Pamela McCutcheon DeLarge

ALI CLE

4025 Chestnut Street

Philadelphia, PA 19104

To: Brown, Samuel L.[SlBrown@hunton.com]
Cc: Dravis, Samantha[dravis.samantha@epa.gov]
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Cc: Pamela McCutcheon[pmcutcheon@ali-cle.org]
From: Mark Ryan
Sent: Mon 11/27/2017 11:56:37 PM
Subject: Re: Final details for next week's ALI CLE/ELI Clean Water Act conference

Thanks for the heads up on this, Chris. I hadn't heard it was out. Not a surprising result, but good to know.

-Mark



Mark A. Ryan
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From: Thomas, Christopher D. (Perkins Coie) <CThomas@perkinscoie.com>
Sent: Monday, November 27, 2017 3:42:49 PM
To: Amy Weinberg; 'Bulleit, Kristy'; 'Rachel Jean-Baptiste'; Lindley, Tom (Perkins Coie); 'Brown, Samuel L. (SIBrown@hunton.com)'; 'Iwilcher@elpolaw.com'; 'janastasio@acwa-us.org'; 'Boer, J. Tom (JTBoer@hunton.com)'; 'Cynthia S Campbell (cynthia.campbell@phoenix.gov)'; 'Jeanne Christie' (jeanne.christie@aswm.org); 'GTCroot@imesacorp.com'; 'kdonovan@mwdh2o.com'; 'Dravis.samantha@epa.gov'; 'Duncan, Deidre'; 'Pamela Esterman'; 'Daniel Estrin (destrin@waterkeeper.org)'; 'ford.peter@epa.gov'; 'david.fotouhi@epa.gov'; 'Jan Goldman-Carter';

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WOTUS people:

In case you haven't seen it yet, the Ninth Circuit's Robertson opinion is worth mentioning next week.

Best,

Chris

Chris Thomas | Perkins Coie LLP

PARTNER

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Dear Faculty,

To make sure that everyone is prepared for the upcoming *Clean Water Act* conference taking place next Monday-Tuesday, December 4-5, I wanted to reach out on a few final items:

1. **Conference location:** The course will be held in the offices of Hunton & Williams LLP, located at 2200 Pennsylvania Avenue NW. When you arrive at the building, please stop at the security desk in the lobby to have your name checked off a list and be cleared to access the elevators.
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If you have any questions in the coming days, please do not hesitate to contact me. Thank you in advance for the great contributions you've already made through your comprehensive written materials and preparations. I have no doubt that the course will be a valuable experience for everyone!

Amy S. Weinberg

Senior Program Attorney, Office of Content Production

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EPA Policy Goals, Regulatory Reform, and Enforcement: What Does the Future Hold?

Clean Water Act: Law and Regulation 2017

3:00pm – 4:30pm, Monday, December 4

Washington, D.C.

1. Panel Description.

As the Trump Administration's EPA settles into 1200 Pennsylvania Avenue it brings a new perspective, a shift in policy focus, and a different way of doing business. This panel will draw on current and former EPA personnel to explore EPA's policy and enforcement priorities in the context of the Clean Water Act and the challenges it may face. Issues to be explored include the substantive issues beyond the "waters of the United States" rulemaking that are a priority for the Agency, any changes in the focus of EPA's enforcement priorities, and any shifts in the way the Agency is organized and functions, among other issues.

2. Moderator & Panelists.

- a. *Moderator:* Samuel Brown, Senior Attorney, Hunton & Williams, LLP, San Francisco, CA
- b. Samantha Dravis, Senior Counsel and Associate Administrator, Office of Policy, U.S. Environmental Protection Agency, Washington, D.C.
- c. Patrick Traylor, Deputy Assistant Administrator, Office of Enforcement and Compliance Assurance, U.S. Environmental Protection Agency, Washington, D.C.
- d. Mark A. Ryan, Ryan & Kuehler PLLC, former EPA attorney, Winthrop, WA

3. Panel Format (90 minutes).

- a. S. Brown (10 minutes): introduce panelists and frame the topics of the panel.
- b. Moderated Questions on EPA Policy and Operational Priorities (15 minutes).
- c. Moderated Questions on EPA Substantive Priorities for the Office of Water (15 minutes).
- d. Moderated Questions on EPA Enforcement Priorities (30 minutes).
- e. Questions from Audience (20 minutes).

4. Representative Moderator Questions.

- a. Moderated Questions on EPA Policy and Operational Priorities (15 minutes)
 - i. How does the Office of Policy fit within EPA's organizational structure?
 - ii. What is the role and responsibility of the Office of Policy?

- iii. Administrator Pruitt has described the Agency's key principles to include (1) the importance of process; (2) adherence to the rule of law; and (3) the applicability of cooperative federalism. Can you explain what each of those principles means and how they will be incorporated into the Agency's work, generally, and in the context of the CWA programs?
 - iv. In October, Administrator Pruitt signed a memorandum on "sue and settle," can you explain the intent and likely impact of this memorandum?
 - v. Will the October memorandum likely result in EPA litigating more challenges (and reaching a decision on the merits), as opposed to a settlement and a consent decree?
 - vi. There has been talk of re-organization of the Agency (*e.g.*, consolidation of EPA Regions, placement of enforcement back into the program offices, etc.); will there be any re-organization of the Agency?
- b. Moderated Questions on EPA Substantive Priorities for the Office of Water (15 minutes).
 - i. Looking past WOTUS, what are the Agency's substantive priorities for the Office of Water? What other rulemaking will the public likely see from the Office of Water in the next year and over the course of the next 3 years?
 - ii. There have been public statements related to the Office of Water conducting rulemaking related to the CWA 404 permitting program (separate from the WOTUS rulemaking), what is the Agency looking to address as part of any 404 permitting rulemaking?
 - iii. There is significant Circuit Court litigation related to what EPA has described as the "direct hydrologic connection" theory of CWA liability. Does EPA intend to provide additional guidance, conduct rulemaking, or otherwise further address this issue?
 - iv. President Trump has emphasized infrastructure as a priority; will this EPA prioritize water-related infrastructure and, if yes, what are its plans for doing so?
- c. Moderated Questions on EPA Enforcement Priorities (30 minutes).
 - i. What are EPA's CWA enforcement priorities?
 - ii. What enforcement metrics will OECA examine to determine if the program is a "success"?
 - iii. Does OECA envision the States taking a bigger role in enforcement? If yes, what types of cases will EPA focus its enforcement efforts?
 - iv. Does OECA intend to shift focus from the current CWA National Enforcement Initiatives (NEI) that were finalized in the prior Administration?
 - v. How does OECA view the future of the very mature NEI focused

on municipal combined and sanitary sewer systems? Will it still be a priority?

- vi. Is “Next Generation Compliance” still a priority for OECA?
- vii. Does OECA intend to continue to push for “mitigation” to be part of consent decrees?
- viii. If existing CWA consent decrees do not align with Administrator Pruitt’s key principles of (1) process; (2) rule of law; and (3) cooperative federalism, does OECA envision entertaining modifications of those consent decrees?

CZ010

MEMORANDUM

TO: Planning Chairs and Faculty

FROM: Amy Weinberg

RE: **Clean Water Act: Law and Regulation**, December 4-5, 2017, Washington, D.C. at Hunton & Williams LLP

DATE: September 28, 2017

Thank you for agreeing to participate as a member of the faculty for the above-referenced ALI CLE and Environmental Law Institute program. Please take the time to review the attached documents:

1. Faculty contact list.
2. Information about the live webcast and subsequent archived recordings of the course, and PowerPoint slide guidelines.
3. Sample announcement and invitation to colleagues and clients to attend the course at reduced rates.
4. The program will be held at Hunton & Williams LLP, located at 2200 Pennsylvania Avenue, NW. A small block of rooms have been reserved at two nearby hotels. Traveling faculty must make their own hotel arrangements.

Hotel Lombardy, room rate: \$179 per night, single occupancy. This rate will be made available until **November 6, 2017**. Request the American Law Institute CLE group to qualify for the reduced rate. Reservations may be made by calling the Hotel Lombardy, 2019 Pennsylvania Avenue NW, Washington, DC 20006; (202) 828-2600 or (800) 424-5486, or online here: [https://www.reservations-page.com/C00519/H11150/ov.as\[x?pc=L3627](https://www.reservations-page.com/C00519/H11150/ov.as[x?pc=L3627).

Renaissance Washington, DC Dupont Circle Hotel, room rate \$219 per night for a standard room. This rate will be made available until **November 6, 2017**. Request the American Law Institute CLE Clean Water Act group to qualify for the reduced rate. Reservations may be made by calling the Renaissance Washington, DC Dupont Circle Hotel 1143 New Hampshire Avenue, NW, Washington, DC 20037; (800) 468-3571 or (202) 775-0800, or online here: <https://aws.passkey.com/event/49128443/owner/1687/landing>.

5. Faculty expense reimbursement policy and guidelines.

Course Brochure: Please refer to the online course brochure at <https://www.ali-cle.org/CZ010> for the most up-to-date program and faculty listing. Please note the date and time of your session and plan your presentation accordingly. We also encourage you to share the web address with colleagues and clients who might be interested in attending the program. If you would like any hard copies of the brochure for distribution, please contact us.

Study Materials: Course study materials, including power points, should be emailed to me at aweinberg@ali-cle.org and to my assistant, Pam, at pmccutcheon@ali-cle.org no later than **Monday, November 6, 2017**. In your cover email, please indicate which session each document applies to. NOTE: As part ALI CLE's effort to go green, course materials will be made available in electronic format for download only. *Print materials will not be distributed on-site.* Please be sure to bring a laptop or tablet with you to the program to access the study materials.

Copyright: ALI has the copyright to the collective work in which your Content will appear. Content means spoken, written, and/or audio-visual presentations you create as a volunteer faculty member or author for ALI. You retain the individual copyright to your own Content, allowing you to freely sell or otherwise distribute it and revise or republish it at will. Submission of your Content to ALI grants ALI a nonexclusive license to edit, reproduce, sell, and otherwise distribute all or portions of your Content under your name, individually or as part of collective and derivative works, in any media (including electronic) now known or that might be created. **Note:** Any use by you in your Content of spoken, written, and/or audio-visual (including web-based) material created by others is a representation by you to ALI that you have obtained the rights necessary to such material for the benefit of ALI with respect to the nonexclusive licenses described above.

Please notify ALI CLE in advance if you are embedding any audio or video clips in your slides. In addition to potential technical issues, audio and video (even from YouTube) can be subject to copyright, and use by you in your presentation of audio or video materials created by others is a representation by you to ALI that you have obtained the rights necessary to such material for the benefit of ALI.

Faculty Discounts and Outreach: We encourage you to promote your upcoming speaking engagement through your own outreach and/or your organization's web site, events calendar, and social media outlets. **To thank you for your voluntary participation, ALI CLE is pleased to provide you with one complimentary registration to the in-person course and a 50% discount for all additional registrations to the course or webcast, which we encourage you to extend to your colleagues and clients.** To request the complimentary registration, please contact the course attorney handling your program. The 50% discount can be obtained by entering the coupon code ALIFACULTY at checkout online or by calling ALI CLE Customer Service at 800-CLE NEWS. A sample announcement and invitation is attached for your convenience to send to others in your organization and to your clients.

Sponsorship: We frequently receive requests from firms that are interested in supporting our programs as a way to obtain additional exposure and promotional consideration. As you are a valued faculty member, we are pleased to offer your organization the right of first refusal, at a lower rate, to underwrite this course before we make it available to the broader marketplace of sponsors at our regular sponsorship rates. We will separately be sending you more detailed information about early sponsorship opportunities with ALI CLE. For more information, please contact our sponsorship coordinator, Dara Lovitz at dlovitz@ali-cle.org.

Strategic Outreach Initiative: We welcome you to invite experienced associates or their equivalents from underrepresented groups to assist in the preparation of study materials for this course. To view ALI CLE's *Strategic Outreach Initiative*, please see our web site at http://www.ali-cle.org/index.cfm?fuseaction=about.diversity_strategic.

If you have any questions or concerns, please feel free to contact me at aweinberg@ali-cle.org or by phone at (215) 243-1668 or my assistant Pam at pmccutcheon@ali-cle.org or (215) 243-1633.

ASW: pmd
Attachments

THE AMERICAN LAW INSTITUTE
Continuing Legal Education

**Clean Water Act:
Law and Regulation**

Cosponsored by the Environmental Law Institute (ELI)

December 4-5, 2017
Washington, D.C.

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To: ALI CLE Course Faculty
Re: Live Webcasts of ALI CLE Courses of Study

As you may know, we are webcasting most courses live via the Internet, including your forthcoming program, to make ALI CLE's excellent courses of study available to a wider audience. Individuals and groups will be able to view (or if audio-only, hear) the program on their computers or projected on large screens in their offices. The study materials are made available electronically in downloadable, searchable form.

For many would-be registrants, this arrangement removes the time, travel, and cost constraints that often discourage course attendance. For you, this means that your office can bring the course *in house* during the webcast¹.

A technician on site will "stream" and record the entire live course, including opening remarks and Q&As. When concurrent sessions are scheduled, one session will be selected for live webcast, if appropriate.

Keeping on schedule is important to your faculty colleagues as well as to the audience, particularly if your course is being made available in half-day segments as well as in its entirety. If there are last-minute schedule or faculty changes, please bring those to the immediate attention of the ALI CLE staff attorney on site.

To ensure program continuity, we request that questions from the audience be in written form. Benefits to be gained from this should outweigh the loss of spontaneity, as the faculty is likely to contend with fewer interruptions and fewer redundant or ill-formed questions. Questions from the webcast audience will be printed and relayed to the faculty.

Attending an ALI CLE course of study presents unique opportunities for discussion and camaraderie. We hope that as those benefits become more apparent to new registrants, they will attend future courses on site. And when your office colleagues see/hear the live webcast and the archived course, they will better appreciate the time and expertise that you volunteered to participate on the course faculty.

We thank you in advance for your participation and cooperation.

¹Instructions for the webcast will be e-mailed to you before the course.

PowerPoint Slide Guidelines

General

- Plain and simple, no office or company logos
- Light/dark contrast between background and text
- Same background on all slides
- Short and simple text
- Font styles available on both PCs and Macs

Recommended Fonts Common to PCs and Macs

- Arial
- Lucida Sans Unicode
- Tahoma
- Trebuchet MS
- Verdana

Text sizes

5"

- Heading 44pt
- Subtitle 32-36pt
- Paragraphs 28pt
- Explanatory text 24pt

Readability Considerations

- Groups will be 20 or more feet away from the projected image.
- Computer screen image for slides will be approximately 5" x 4."
- More than 8 lines of text may lose the audience's attention.

Suggested Color Combinations

- White or yellow on dark blue or black
- Orange on dark blue
- Dark blue or black on light gray
- No red, green, and multi-color backgrounds

Special Effects: Caution

- Keep animations short. Avoid overly flashy transitions between slides.
- Notify ALI CLE staff if any audio or video clips are embedded in the slides.

Sample Course Faculty Invitation (with discount for your contacts)

Dear Colleague:

As you may know, I am a featured speaker at the American Law Institute CLE (ALI CLE) annual course, **Clean Water Act: Law and Regulation**, being held **Monday-Tuesday, December 4-5, 2017**, in Washington, DC.

This year's agenda promises to be a strong one, and I invite you to join me at the program. The American Law Institute CLE has graciously extended my colleagues a discount of **50% off the regular tuition** for in-person attendance or for attendance at the live video simulcast. To take advantage of these savings, please register online at <http://www.ali-cle.org/CZ010> and enter the coupon code **ALIFACULTY** at checkout.

I hope to see you in D.C.

Sincerely,

Travel and Other Expenses

General:

Costs for travel and hotel functions have continued to rise since the bottom of the recession. Although we have increased tuitions, ALI CLE thus far has been able to continue to provide quality courses at fees that are competitive with those of other national CLE organizations. We have been able to do so primarily by imposing economies on phases of our operations that have minimal effect on the educational purposes and quality of our efforts, and by enlisting the cooperation of everyone involved, including our traveling faculty members. We ask that you read and follow the policies outlined below.

- ALI CLE will reimburse travel and lodging expenses of faculty who have been given preapproval.
- No reimbursement can be made for a spouse's or partner's expenses.

All faculty are reminded that ALI is a 501(c)(3) organization, so tax deductions may be available for travel expenses. ALI CLE is happy to provide faculty who forgo reimbursement with complimentary course registrations or other products that may be worth at least as much as their financial contribution.

If you will be submitting for reimbursement, please contact us for an expense reimbursement form. To process your expenses for reimbursement, the form must be submitted to me **within 60 days** after the program, accompanied by receipts for all items of \$25 or more. (Credit card statements will not be accepted.) Please note that if you host a group faculty meal, you will need to list on your receipt the names of those attending.

Thank you for your understanding of these policies, which help ALI CLE keep course expenses down so that we can continue to offer quality CLE at a competitive price.

Transportation:

Faculty should make their own transportation arrangements. Please note that ALI CLE will reimburse only:

- discounted, nonrefundable coach air fares
- non-Acela coach Amtrak fares
- taxi, UberX, and UberT fares (not limo, town car, UberBlack, UberSUV, or comparable services).

ALI CLE will not reimburse optional coach airfare upgrades or reimburse car rental costs (unless reasonable, necessary, *and* approved in advance). Please make your airline reservations as early as possible so as to secure the best available fare.

Hotel Arrangements:

We have reserved a limited number of rooms at two nearby hotels, **Hotel Lombardy and the Renaissance Washington, DC Dupont Circle Hotel**. If you choose to stay elsewhere, note that we will only reimburse up to the same rate as that offered in the room blocks at these hotels, or **\$179/night (single) at Hotel Lombardy and \$219/night (standard room) at the Renaissance Washington, DC Dupont Circle Hotel**.